

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 10A.104(5) and 135C.14, the Department of Inspections and Appeals hereby gives Notice of Intended Action to amend Chapter 57, “Residential Care Facilities,” Iowa Administrative Code.

The proposed amendments add definitions of “mechanical restraint,” “physical restraint” and “prone restraint” and expressly prohibit the use of mechanical restraints in residential care facilities.

The Department does not believe that the proposed amendments pose a financial hardship on any regulated entity or individual.

The State Board of Health initially reviewed the proposed amendments at its November 8, 2017, meeting.

Any interested person may make written suggestions or comments on the proposed amendments on or before December 26, 2017. Such written materials should be addressed to the Director, Department of Inspections and Appeals, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0083; faxed to (515)242-6863; or emailed to David.Werning@dia.iowa.gov.

Additionally, there will be a public hearing on January 3, 2018, at 10 a.m. in Room 319 of the Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rules.

Any person who intends to attend the public hearing and has special requirements, such as those relating to hearing or mobility impairments, should contact the Department of Inspections and Appeals and advise of specific needs.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 135C.14.

The following amendments are proposed.

ITEM 1. Adopt the following new definitions in rule **481—57.1(135C)**:

“*Mechanical restraint*” means restriction by the use of a mechanical device of a resident’s mobility or ability to use the hands, arms or legs.

“*Physical restraint*” means direct physical contact on the part of a staff person to control a resident’s physical activity for the resident’s own protection or for the protection of others.

“*Prone restraint*” means a restraint in which a resident is in a face down position against the floor or another surface.

ITEM 2. Adopt the following new subrule 57.33(8):

57.33(8) Mechanical restraint is prohibited. Staff persons who find themselves involved in the use of a mechanical restraint when responding to an emergency must take immediate steps to end the mechanical restraint. (I, II)